

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Arquest, Inc.,)
Plaintiff) Case No. 07 CV 11202 (CM)
v.)
Kimberly-Clark Worldwide, Inc.,)
Defendant)

)

**NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE*
ADMISSION OF MARC S. COOPerman, ESQ.**

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Marc S. Cooperman, Esq., Gregory W. Gilliam (Movant), a member in good standing of the Bar of the State of New York, and an attorney admitted to practice before the United States District Court for the Southern District of New York, and of Venable LLP, hereby moves this Court to enter an order permitting Marc S. Cooperman, a shareholder with the law firm of Banner & Witcoff, LTD., to practice *pro hac vice* before the United States District Court for the Southern District of New York to represent Kimberly-Clark Worldwide, Inc. in the above-captioned matter, pursuant to Local Rule 1.3(c). In support of this Motion, movant states as follows:

1. Marc S. Cooperman is a member of the law firm of Banner & Witcoff, LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).

0025-64038
FEB 04 2008

2. Marc S. Cooperman is and has been a member in good standing of the Illinois Bar.
3. Marc S. Cooperman is and has been admitted to practice before the United States District Court for the Northern District of Illinois, the United States District Court for the Central District of Illinois, the United States District Court for the Eastern District of Wisconsin, the Federal Circuit Court of Appeals, Seventh Circuit Court of Appeals and the U.S. Supreme Court.
4. Marc S. Cooperman has never been held in contempt of court, nor has he ever been censured, suspended or disbarred by any court.
5. Marc S. Cooperman has read and is familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (f) the code of Professional Responsibility of the American Bar Association.
6. If admitted to practice before this Court, Marc S. Cooperman will faithfully adhere to all rules applicable to his conduct in connection with his activities representing Kimberly-Clark Worldwide, Inc. in this matter.
7. No prior motion to admit Marc S. Cooperman has been made in this matter.
8. Marc S. Cooperman agrees to pay the fee of \$25.00 upon approval by this Court admitting Marc S. Cooperman to practice *pro hac vice*.

Therefore, Movant respectfully requests that for the foregoing reasons, this Court enter an Order permitting Marc S. Cooperman, Esq. to appear as counsel for Kimberly-Clark Worldwide, Inc. *pro hac vice* in the above-captioned matter.

DATED this 3/5 day of January, 2008.

Respectfully submitted,



Gregory W. Gilliam (GG-2857)

VENABLE LLP

The Chrysler Building
405 Lexington Ave, 61st Floor
New York, New York 10174
Telephone: (212) 983-1231

Counsel for Kimberly-Clark Worldwide Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc.,)
Plaintiff)
v.) Case No. 07 CV 11202 (CM)
Kimberly-Clark Worldwide, Inc.,)
Defendant)

)

**DECLARATION OF MARC S. COOPerman, ESQ.
IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION**

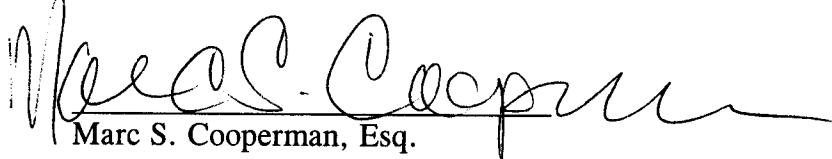
I, Marc S. Cooperman, Esq., hereby declare:

1. I am a shareholder of the law firm of Banner & Witcoff, LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).
2. I am and have been a member in good standing of the Illinois Bar.
3. I am and have been an attorney admitted to practice before the United States District Court for the Northern District of Illinois the United States District Court for the Central District of Illinois, the United States District Court for the Eastern District of Wisconsin, the Federal Circuit Court of Appeals, Seventh Circuit court of Appeals and the U.S. Supreme Court.
4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.
5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the

United States District Courts for the Southern and Eastern Districts of New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (f) the code of Professional Responsibility of the American Bar Association.

6. If admitted to practice before this Court, I will faithfully adhere to all rules applicable to my conduct in connection with my activities representing BUSINESS in this matter.
7. No prior motion to admit me has been made in this matter.
8. I agree to pay the fee of \$25.00 upon approval by this Court admitting me to practice *pro hac vice*.
9. I respectfully submit to this Court that I meet all of the requirements for *pro hac vice* admission to practice before this Court in this matter and, for all of the foregoing reasons, should be so admitted to be able to represent Kimberly-Clark Worldwide Inc. in this matter.
10. I declare under the penalty of perjury under the laws of the United States of America, and pursuant to Fed. R. Civ. P. 11, that the foregoing is true and correct.

Executed this 15th day of January 2008.



Marc S. Cooperman, Esq.

mcooperman@bannerwitcoff.com

Banner & Witcoff, LTD.

10 South Wacker Drive, Suite 3000

Chicago, IL 60606

Tel: (312) 463-5000

Fax: (312) 463-5001

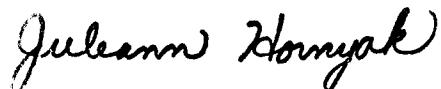
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Marc Scott Cooperman

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 1989 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, January 11, 2008.



Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc,)	
)	
)	
Plaintiff,)	
)	
- against -)	Case No. 07-CV-11202 (CM)
)	
Kimberly-Clark Worldwide, Inc.,)	
)	
Defendant)	
)	
)	

**[PROPOSED] ORDER GRANTING MOTION FOR
PRO HAC VICE ADMISSION OF MARC S. COOPerman, ESQ.**

This matter having come before the Court on the application of Marc S. Cooperman, counsel for Kimberly-Clark Worldwide, Inc., to practice before this Court *pro hac vice*, in representing Defendant Kimberly-Clark Worldwide, Inc., and the Court having reviewed these pleadings and being fully advised thereon:

IT IS HEREBY ORDERED that motion should be and hereby is GRANTED, and Marc S. Cooperman is hereby admitted *pro hac vice* before this Court on this matter.

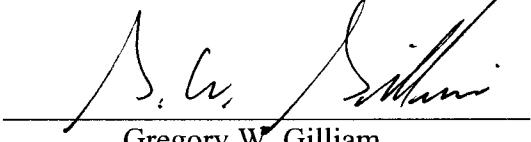
SO ORDERED.

Dated: February ___, 2008.

United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2008 a copy of the foregoing Notice of Motion and Motion for *Pro Hac Vice* Admission of Marc S. Cooperman, Esq. and Declaration of Marc S. Cooperman, Esq. in Support of Motion for *Pro Hac Vice* Admission were sent by first-class mail to all counsel addressed below.



Gregory W. Gilliam

TO:

Brian Douglas Siff, Esq.
Peter Lambrianakos, Esq.
Richard LaCava, Esq.
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, NY 10036-2714